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OFFICE OF PETITIONS

In re Application of :
Gregory J. Wilson, John M. Penderson, and :
Steve L. Eudy :
Application No. 10/008,636 :
Filed: December 4, 2001 :
Attorney Docket No. 29195.8172US :
Title: CONTACT ASSEMBLIES, METHODS :
FOR MAKING CONTACT ASSEMBLIES, :
AND MACHINES WITH CONTACT :
ASSEMBLIES FOR ELECTROCHEMICAL :
PROCESSING OF MICROELECTRONIC :
WORKPIECES :
:

DECISION REFUSING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed July 26, 2001.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.47(a)."

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR §1.63.

On December 4, 2001, the application was deposited, identifying Gregory J. Wilson, John M. Penderson, and Steve L. Eudy as joint inventors. The application was deposited without an executed oath or declaration. On December 26, 2001, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration, a surcharge of \$130.00, and substitute drawings were required. This Notice set a two-month period for reply.

With the instant petition, the petitioner has included the filing fee for the petition, the \$130.00 surcharge, a five month extension of time to make timely this reply, a declaration executed by each inventor save inventor Pedersen, statements of facts from both the attorney of record and his paralegal, and copies of a letter sent to the non-signing inventor.

Petitioner has met requirements (1)-(5) of 37 C.F.R. §1.47(a) above.

Regarding the sixth requirement, petitioner has not submitted a declaration which complies with 37 CFR §1.63. The declaration submitted with the instant petition contains non-initialed and non-dated changes by inventor Eudy².

In light of the recent events, the USPTO strongly prefers that the reply to this letter be submitted by facsimile³. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery⁴), the reply may be mailed⁵.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

² See 37 C.F.R. §1.52(c)(1).

³ (703) 308-6916, Attn: Office of Petitions.

⁴ Office of Petitions, 2201 South Clark Place, Crystal Plaza 4, Suite 3C23, Arlington, VA 22202.

⁵ Commissioner for Patents, Box DAC, Washington, DC 20231.